

Remarks

Several typographical errors within the specification and the Figures have been corrected. Specifically, Figures 1A-1E and 2A-2D have been amended to omit the extraneous language “Match with Figure...” In addition, Figures 2A-2D have been amended to reinsert residues 361-420 that were mistakenly omitted when replacement copies of the Figures were submitted on 4/17/2003. Support for the reintroduction of these residues can be found in the original version of Figures 2A-2D submitted when the instant application was filed, as well as in SEQ ID NO:3 and 4, which correspond to Figures 2A-2D.

Furthermore, typographical errors within the figure legends of several panels within Figures 25D-25I have been amended to correct the misspelled “iliac” to “iliac”. This change in spelling finds support in the specification in example 18, page 125, last paragraph, lines 34-36, where it is stated: “Consequently, blood flow to the ischemic limb is dependent upon collateral vessels originating for the internal **iliac** artery.”

Several typographical errors within the specification have also been corrected. For example, the brief descriptions of Figures 25A-25O and 26A-26G have been amended to match Figures 25A-25O and 26A-26G. In addition, the residue numbering found in a number of paragraphs including the paragraphs on: page 17, beginning on line 30 through page 19, line 5; page 19, lines 6-11; page 19, beginning on line 17, through page 21, line 30; page 21, beginning on line 31, through page 23, line 31; and page 24, beginning on line 1, through page 25, line 36; have been amended to match Figure 1 and SEQ ID NO:2. Furthermore, several paragraphs including the paragraphs on: page 19, lines 6-11; page 26, lines 12-19; beginning on page 26, line 20, through page 27, line 2; page 110, lines 9-13; page 111, lines 1-5; page 112, lines 16-20; page 116, lines 4-7; beginning on page 116,

line 35, through page 117, line 2; page 117, lines 29-31; and page 136, line 16; were amended to correctly refer to SEQ ID NO:2. Finally, several paragraphs within Example 18, starting on page 126, line 13, through page 127, line 19 were amended to match Figure 25.

Accordingly, all the amendments to the figures and specification listed above are supported by the specification as filed, and thus, no new matter has been added.

Claims 1, 3, 5, and 12 will be pending upon entry of the present amendments. Claims 10 and 14 have been allowed, as noted by the Examiner on page 3, second paragraph, Paper No. 0105.

I. Rejections under 35 U.S.C. § 112

A. Rejection of claims 1, 3, 5, and 12 as allegedly being indefinite.

The Examiner rejected claims 1, 3, 5, and 12 under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner rejected claims 1 and 5 because “the recitation of ‘the nucleic acid sequence of the pVGI.1 expression vector construct depicted in Figure 31’ in claim 1 renders the claim indefinite because it is unclear which sequence Applicant is referring to” (Paper No. 0105, page 2, last paragraph). The Applicant has amended the rejected claims to include “(SEQ ID NO:36).” Thus, the Examiner’s objections have been obviated. Consequently, the Applicant respectfully requests the Examiner’s objections to claims 1 and 5, for allegedly being indefinite, be reconsidered and withdrawn.

In addition, the Examiner rejected claims 3 and 12 because “the recitation of ‘a method of producing a host cell in vitro comprising transducing...’ renders the claims

indefinite because it appears that the claims is [sic] drawn to a method of transfecting the nucleic acid rather than a method for producing a host cell” (Paper No. 0105, page 3, second paragraph). The Applicant has amended the rejected claims and submits that the rejections under 35 U.S.C. § 112, second paragraph, have been obviated. Consequently, the Applicant respectfully requests the Examiner’s objections to claims 3 and 12, for allegedly being indefinite, be reconsidered and withdrawn.

In view of the above, the Applicant respectfully requests that the Examiner’s rejection of claims 1, 3, 5, and 12 under 35 U.S.C. § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention be reconsidered and withdrawn.

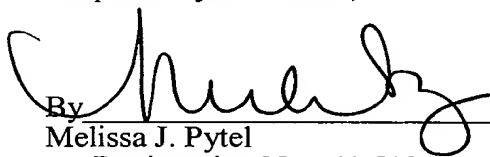
II. Conclusion

The Applicant respectfully requests that the aforementioned amendments and remarks be entered and made of record in the file history of the instant application. In view of the foregoing remarks, the Applicant believes that the Examiner's concerns have been fully addressed and that this application is now in condition for allowance. An early notice to that effect is urged. The Examiner is invited to call the undersigned at the phone number provided below if any further action by the Applicant would expedite the examination of this application.

Finally, if there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: April 11, 2005

Respectfully submitted,


By _____
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Amendment to the Figures:

Please replace Figures 1A-1E submitted on 4/17/2003 with the attached replacement of Figures 1A-1E submitted herewith.

Please replace Figures 2A-2D submitted on 4/17/2003 with the attached replacement of Figures 2A-2D submitted herewith.

Please replace Figures 25C-25I submitted on 4/17/2003 with the attached replacement of Figures 25C-25I submitted herewith.